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ADDRESS

BEFORE THE

OLDEST INHABITANTS' ASSOCIATION

OF WASHINGTON, D. C.,

By MR. A. G. RIDDLE,

ON THE

159th ANNIVERSARY OF WASHINGTON'S BIRTHDAY.

JUDD & DETWEILER, PRINTERS. WASHINGTON, D. C.



A D D R E S S

BEFORE THE

OLDEST INHABITANTS' ASSOCIATION

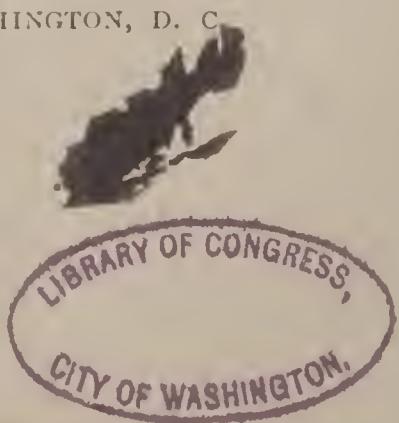
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ARGUMENT.

Great men—Their coming—Mary Ball—George Washington—His work—Its estimate—We could not have formed the Constitution—Reconstruction a stupendous blunder—Unable to deal with its abiding evils—Was a political necessity—Freedmen, as citizens, an inert mass—A solid South a solid worth—Colored leaders—Remedy, a division of colored citizens between the two parties.

The North denies suffrage to the colored citizens in this District as does the South, and for the same reason.

The District—Its needs—Its late government expunged—Citizens disfranchised—That made permanent—The true reason—Is unconstitutional—Decision of the Supreme Court—Position of Washington exceptional—Congress cannot govern it—This shown—The laws in force in it—Specimens—Attempts to codify—1st, 2d, 3d, and 4th Codes—Why Congress cannot govern the District—Justice to Congress—The House—Law-makers are foreigners—Have Districts of their own—The District must be postponed to the Nation—Progress of the District—Madison—Must become a State—Now has the full constitution—The colored citizen should vote here—Till then the South not to be condemned—If Republican party unequal to the question will perish—What we owe that race—We need a constant exercise of self-government—Our sons never reach full American age—Effects, etc.

Venerable Gentlemen of this Honored Order:

GREAT MEN—WASHINGTON AND HIS WORK.

We have a way of saying that we no longer have great men; the earth no longer brings them forth. We have distinguished men, eminent men, any quantity of *first men*; every place has many. "*He is one of our very first men.*" One important thing lost sight of, we may remember, for the consolation of we common men in this country, we have lifted up the mass; have so elevated ourselves that there is no longer the great difference there once was between great and common men. They may loom large in the distance; they diminish as we approach, and we meet men about our size.

We common men do the common work—are born to it.

Great men come as naturally to the great jobs. Their coming is a mystery. The first we know of them, they are at work; then we do not recognize them readily. Men

believe great men are specially raised up. They are themselves unconscious of that. The men born to missions are, as we find, always cranks—mental-moral tramps.

Who knows the law producing great men? Who will undertake, of all the boys born, to name one who will be great or eminent? They come from the most unexpected homes—laborers' cottages often—are never born in purple; no one proclaims them. We find them at their work; that is their proclamation.

They are never born alone; they come in groups. That has ever been the law, as if they would want the help of giants. The greatest is the great one of a group of great.

Poets come together. Homer alone of his time survives. All the song of that day is ascribed to him. That is the fortune of a great man; all the work of his age becomes his. Shakespeare! see how he came attended. He may live alone three thousand years hence. Byron and Shelley were stars of a constellation; so Goethe was attended by peers. Prophets, closely allied to the poets, come in schools; so do the orators always; so the discoverers and inventors; so of the great generals and great artists. Why is it? Washington did not come alone. He would have done little if he had. Great statesmen, great orators, great commanders, surrounded him; he was greatest of all—greater than all; so great that much that others did is esteemed his.

Great epochs do not produce great men. Great men make great ages. The revolution did not make Washington. He and his compeers made the revolution.

Below and back of them were latent causes, divers, producing both.

Inscrutable are the causes—the hidden germs and springs that go to the production of great men—beyond the mere movements of a race or people.

A strange thing in the world's history is, that very rarely has a great man been followed by a great son. Phillip was followed by Alexander, and there are similar instances in the history of the early Turkish sultans. Edward III was father of the Black Prince, and William Pitt, first Earl of

Chatham, was followed by William Pitt the younger. In our history are the Adamses. These men were fortunate in their choice of wives.

A great man was never born of a weak, common-place mother—though they may spring from a common-place father. A mother cannot impart what she has not to give; she does more than receive and transmit—she gives of her own strength.

Here was Augustine Washington—the third generation of Washingtons in Virginia—whose first wife left him with four children. Of these, Lawrence and Augustine lived through manhood. On the 6th of March, 1730, he wedded Mary Ball, forever blessed among women. Her first child, born two years later, was George Washington. Had an ancient hero achieved his position, the legend of his birth would tell of attendant wonders in the heavens and prodigies on the earth. A nimbus would surround his mother's head.

An English lord chancellor, a statesman and an orator, said that the test of the progress of a people, a State, or nation is the rank in which it places Washington. By the universal consent of all civilized peoples, this son of Mary stands the first of mankind. When his monument was built every race, nation, and people—from remote lands, from the graves of buried empires, from the lonely islands of the sea—brought their most enduring substances, glad and proud to aid in its upbuilding—in a way a needless labor! Why set up monuments to the fame that fills the arches of the sky, and forever will, till those forms of light vanish, till the earth unpeopled wanders darkling in sunless space. The structure makes concrete our reverent love and gratitude, with no thought of commemorating this fame.

Return to the argument. To this pair were born four more children, all, as were the older, good, sensible, common-place men and women and no more—remembered only as the kindred of George Washington. How came it? Had George been but the one child, and thus endowed and thus destined the wonder would be less. But none of his brothers

or sisters shared of his great qualities. Why was it? What is the law? With him, as with all great men, no one anticipated his future. No one noted him, his sayings and doings, and, as always happens, when fame came to him the wise and curious, from scantest material, invented what seemed a fitting childhood and boyhood for him.

If we only knew of the advent of one of the to-be famous! If the man himself knew! George unconsciously went about the work of his time in the ordinary way. It would seem as if Mary—great mother—from the first was aware that unusual powers had been imparted to this son; and certainly she, with the scrupulous integrity of a clear, far-seeing, strong-brained, just soul, guarded the treasure and directed the feet of her child with rare wisdom and courage; and the wonder is that more such children were not born of her—the only woman who could bear such a child. She too shall have her monument.

I am not to follow the career of Washington, nor attempt any analysis of his labors, his qualities, or his character. Genius itself, with creative imagination and apt powers of expression, can say nothing new or impart new interest to the old. It was his fortune to render to his countrymen and to the world some of the greatest services and benefits ever conferred, and as such they are acknowledged and honored.

We cannot say that this—these were the product of his head and hand alone. A great group of men shared to their best in his labors. We can say that without him that group of great men could never have accomplished the work. He was the great center—the magnet—the bond of union, and strength, and ever-enduring courage. Without him the great cause would have gone to ruin in a month. Even after the war, had it not been for him the broken, warring, lost fragments of the American States, would have been added to the wide wreckage of human endeavor that strews the devious pathways of human history.

In this way all we have gained, as well as much that we have avoided of ill, is due to him—is his work.

We have a way of saying that our Government is the greatest, the wisest, and the best that God ever aided men to form. It is time we had passed the day of silly boasting. It, or something like it, has been tried by other liberated peoples, with whom it did not work. The Latin races have not found it suited to them. Our fathers were still Englishmen. The nearly two hundred years had not fully Americanized them—we are only full Americans now. It was the rare gift of the makers of this Government to have the sagacity and wisdom to see what their exceptional conditions required, and the skill, courage, and constructive ability to frame a scheme of government probably the best adapted to their needs. This is rare praise. In this sense it was one of the wisest and best. Save us, there was not then nor now a people who could successfully work it. It would have failed then in the hands of any man but Washington.

Let us be done with Fourth of July babble, and study and understand and appreciate what we have and how we got it. So, too, we have outgrown some other things—our young people's sensitiveness as to what others say about us. I lived through the green age of Capt. Basil Hall, and Mrs. Trollope, and her "Domestic Manners of the Americans."*

One of the merits of our Constitution is, that it deals largely in general principles, which, in the hands of wise legislators, are in a way flexible and easy of application to many conditions. Unlike the later State constitutions, which, instead of being institutional, are sections of irrepealable statutes, that are found impracticable—can neither be got around or got over.

The Government, thus formulated and carefully planted and nursed by Washington, took strong root and grew. Vigorous growth was essential. The tests of war, of party,

*Capt. Cyril Snellfungus, as Edward Everett called him. His was, then, the sharpest pen in America; Willis and Curtis and Lowell were then growing. So I can recall the later advent of Dickens, with his red vest and cockney manners, and the abominably silly ovations on his reception in the Eastern cities, which he repaid in small notes. No wonder they disliked them. What would then have been said of Kipling's snarling letters? They are old letters and should have been left in India.

factional, and sectional strife, but strengthened and confirmed it.

The war for its destruction made it perpetual; made this city its enduring home.

RECONSTRUCTION A BLUNDER.

Some things due to the war are not out of place on this great anniversary, the day that made all our anniversaries possible.

We may compare and contrast ourselves and our works of the last war and the exigencies it caused, with the labors of Washington and his compeers under the demands of the first war.

In the dismal days of failure of the first and second years of our war, there were many recurring times when the reflection was uttered in sickness of soul, "We could not have achieved the Revolution." May we not say now that we could not have formulated and grown the Constitution and Government? It may be remembered that from our labors we excluded the men of one-half of the Republic—the half that produced Washington, the Lees, Henrys, Pendletons, and Rutledges. The Man of men who had managed, conducted, and sometimes led us through the war, was also absent. Perhaps no human skill was equal to the task which the North had, in a way, brought upon itself. Looking at the work now, after the fourth of a century, the course pursued seems a gigantic blunder, the evils of which still convulse the land. They are now too great for the very able men who conduct the councils of the majority in Congress, who lead when their partisans will follow. These men, in full accord with the Executive head, a man not unequal to his position, are baffled by the very evils flowing from our faulty readjustment of the political conditions springing from the war. While the land of Washington, whose representatives have long reoccupied their old places at the council board, content themselves with thwarting the will of the majority, as if content with the widespread disorder. They certainly propose no remedies. Of

all day's, this is the one on which a man should utter his innermost convictions on this grave matter.

We—or, rather, the war—freed the slaves. The war compelled the proclamation, dictated its own policy, fought itself. That is why it succeeded. The South was conquered by the war, after it had first conquered the North.

These millions thus freed were not deported. Since the Assyrian's time that has not been attempted on a large plane. Nebuchadnezzar would have carried away the masters. He was sagacious. The emancipated had not the impulse of primitive tribes to remove themselves. There was no land to which they might flee. They were free—were to remain. They were not prepared to make conquests, like the escaping Israelites from Egypt. They were without leaders—have none now.

The masters, stung by the defeat from the lost field—impoorer in their war-wasted lands and homes; their slaves, their most available property, changed to profitless persons in their houses and on their estates—the problems of life, property, and government now for the first time arose, under such conditions, in human history. These ex-masters and ex-slaves were to dwell, rule, govern together as political equals. The Constitution was the underlying law of the land, the States indestructible political entities. The action of some of the Legislatures at once showed that the freedmen could not be left to their guardianship.

On the other hand, the men who fought the war in Congress, the Cabinet, in the field, and still full of the war spirit, were hardly the best men to deal with the problems which they could not avoid. The war-horse never works well to the plough and cart. He is not always safe in the family carriage. He has visions of the listed field, of the headlong charge. He fancies he hears the bugle when anything reminds him of the war.

There was the Thirteenth Amendment affirming emancipation, the Fourteenth—finally the Fifteenth. Congress had rejected the Southern Representatives of the old regime. Then came fierce war with the President, to complicate mat-

ters. The National Union Convention had alarmed the Republicans. Meantime the military district system, with the brigadiers and soldiers, was in full tide. This last was most *un-American*. It gave the Northern Democracy vast leverage.

THE NEW STATE GOVERNMENTS.

Republican supremacy was menaced at the North. At the crisis the freedmen were *drafted*, so to say, as the working power, into the organized new State governments. They were masses by the hundred thousand, whose only schooling was in generations of slavery, in whom the savage virtues of their ancestors had long since given place to the civilized vices of their masters. Men who had no conception of personal obedience to municipal law, and no idea of what that was, were made the working units of the new political organizations to govern their ex-masters and themselves, elect, be elected, make and enforce laws.

The head is supposed to lodge the brains, is esteemed the dominant organ, and rules. The new scheme reversed that theory and elevated the heads antithesis to rule. It did not work well. It never has, though often tried. The result was not a decent travesty of government. It was much worse. George Washington resting on the everlasting granite of his character, and wielding the primal forces with which nature hollowed the basins of the oceans and fashioned the continents, would have failed here. George would not have undertaken the quest.

I know very well the exigency which led to this enterprise. There was a notable though not a large gathering of men, some of the most notable of that day and some with slender claim to be heard there, to discuss the scheme. "The question" (the political condition of the recovered States), said the head of the third co-ordinate department, "must be passed out of the field of national politics. It can only be done by restoring the States to their places under the Constitution. The Republican party is necessary to the preserved Republic. The freedmen are necessary to the party of preservation." It was replied "that the proposed govern-

ment would be more odious to the North than the generals and soldiers. The army would be as necessary to them as to the military governors."

The 14th amendment disfranchised the men of the South engaged in the war, to be restored only by Congress. It was supposed Congress would so exercise this power as to secure staunch support to the new governments, and it used the power most liberally. The governments, the frame-work, were sustained.

The times were revolutionary, men were accustomed to violence and blood. We look more leniently upon political crimes than those prompted by malice, lust, or lucre; and very soon the old idea was realized, the head was in its ancient place, and the colored citizen was nearly in *his* old place, where he still is, substantially. By the erection of the new State governments and making the freedmen their citizens, the Republicans placed them out of their own power for protection or succor. The instances where Congress can legislate directly upon the citizens of a State are few and unimportant. The instances in which it can legislate upon States for any purpose are hard to find. The Fourteenth Amendment has a scarcely worthy device whereby the Southern States were to be induced to recognize the political rights of the colored citizen or be punished for not so doing—a provision they have utterly disregarded and which has never been enforced against them or sought to be. The Republicans, as the sole remedy, now propose and attempt to pass an election law to ensure to the power to vote, its due exercise by the colored citizen. Thus far they have failed. The Democrats declare it never shall pass. They have even threatened to secede—from *Chicago*—if it does. The South is united on this. It is now as when legalized slavery existed. Everything was made to yield to sustain that. The condition politically has not changed a hair. What an awful hindrance this is to the South. Why don't they invent an escape from it? What an obstruction, annoyance, and peril this state is to the whole of the Republic. Has not the South learned that its stupid inertness

is always confronted by a solid North, and always will be? Nothing is wanted to ensure it at the next general election but the execution of the stupid threat of rebellion against *Christopher Columbus*, of blessed memory.

THE REAL CAUSE.

What is the gist of this deplorable state, its nerve-center? The colored citizens are Republicans—will vote the Republican ticket—are solid; hence the solid South which is correlated every four years by a solid North. Why are these people to-day Republicans, all in a mass? They are of no earthly use to the Republican party, but a hindrance. That is the great cause of their own political paralysis. It renders them powerless to help themselves as to help others, or be helped. Gratitude to the Republicans? Oh, the cause for that was cancelled long ago.

THE REMEDY.

As one present and doing his best to help form the Republican party and who has had no thought or wish but for its steady success, who has a great liking for Democrats—as *private citizens*—I wish fully half of the colored citizens would, as speedily as is decent, *become and remain Democrats* all through the South.

Had I the ear of the Southern Republican leaders, black and white, I would implore that they, as soon as practicable, require that at least a half, and not the worst half, become politically Democrats and stay such. There is very little difference in the working doctrines of the two parties. The Democrats began six years ago to administer the Government according to Republican principles and policy, and did it very well. Indeed, nobody will seriously think of running it on any other.

A division of the colored voters South is the only practical solution of this great question. It places them on ground where they can be useful and receive recognition and benefits. In losing them the National Republicans gain rather than lose. Massed as they now are, they compel the mass

of the white citizens to herd as Democrats. Prevent them from becoming practical Republicans, whatever may be their views. Divide and there will be a competition between the two parties for the colored vote. The race will become of political consequence and receive the consideration due to American citizens.

THE COLORED MASS—THEIR LEADERS.

In all these years their attitude has been that of a man whose journey is delayed by a river, and who supinely sits upon its bank to wait for it to run by, so he can proceed on his way. The river—

—————Running runs,
And will run forever on.

It is time they were up and doing for themselves. We Republicans can do nothing for them. They are a hindrance to us, a hindrance to the South, to the Republic; a mass of the dead past, to which the Nation is chained, compelling us to fight over our dead issues and keep alive great irritations, hopelessly chronic. This people are here to stay. They must be elevated, or we descend. There must be a common plain of association with them, and the lower it is the worse for all. We, the children of a thousand years of civilization, enriched by all the older world gave us, are impatient, intolerant of this the youngest race in progress. We cannot wait for the slower Indian—we kill him, at the proper point of starvation. There are too many of the Negro. He is too tough and capable; is a being of great possibilities of culture and power. Millions, and yet they are mere units—not having even ethnic or tribal bonds—nothing but color, a common misfortune, a present hopeless state, a helpless waiting. They are a people without traditions connecting them with any past. Thus far no leader has appeared among them. If one had, with the instincts, the grasp and power of the really great, he would have led them with their citizenship, sagaciously, to a position where it would be for the interest of the dominant race to care for

them. He would not hold them helplessly massed in torpid antagonism to the men who inevitably must rule. We have the same problem here in this District; the same race under similar conditions. It is because of this presence that our own race are here so patient under their debased un-American position in the Republic, which I will discuss.

I linger a moment to venture a word of the educated, cultured colored leaders, whose chief value so far is, to demonstrate the capabilities of their race, which are large. They are leaders with no following, and cannot have in their present position. Think of it! These, the most advanced, the nearest to us in developed capacity, are ever *looking to us* for our favor, our recognition, our applause, if mayhap, they may gain some distinguishing personal position. And the Executive is supposed to favor the race or not as he advances one of it. This he must do with utmost caution. The offices *are for the use of the people*; and it must be an extreme case that warrants the appointment of a person in a place, where he is for any reason odious or obnoxious. These leaders stand out from their race, ask recognition from us, compete with each other for our favor, are rivals—enemies, while the common mass of the colored share to the fullest, our vulgar estimate of the men of their own race. If they need a lawyer, a doctor, an artist, or mechanic they pass the competent men of their own race for one of ours, *because of their color*, and the young colored professional man has to compete with the white men of his profession, for the patronage of his own race.

This state of things is not due to any natural deficiency of the colored men, professional or lay; but is the unavoidable result of their position; and if they would only look to and stand by and advance each other, the colored problem would take a perceptible step toward solution. I do not discuss the important point whether there is such a question distinct from other political problems. It is at least one of them, of overshadowing importance, upon which, if a man has any thought, he should straightway utter it.

THE DISTRICT—ITS NEEDS.

Reverently we will invoke the presence, on this his day, of the august shade of Washington. His queries will not be of the grand structures of the Government, nor of the elegant residences of the wealthy, nor yet of the wondrous beauty of the city. But he asks: "What of the people? What of their rights, their privileges, under the exceptional government ordained for them? Surely, surely, the people of the capital have to the largest share of the best and most extensive benefits that their deservings and the wisdom of rulers could devise. They should be models illustrative, in the eyes of the nations, of the blessings of our institutions."

Illustrious spirit! the people of your city are citizens but in name. Save sitting as jurors, they possess no pretense of any right, power, or privilege of the American citizen. They are not consulted as to the imposition of the taxes they pay, nor yet of the purpose to which they shall be applied.

"How is this? Have you forgotten that we declared that all the powers of a government can be derived only from the people, and can alone be exercised by their free consent? How have you been bribed to relinquish this birthright of American citizens outweighing all price? Tell me, what did you receive in exchange?"

We received nothing; were never consulted.

With severity: "Your rights could be taken from you only as forfeiture for the greatest crimes. In what were you found guilty, that a whole people should suffer?"

Revered Father, we are guiltless of offense; were not accused.

"Not accused! Speak you for your fellows. Make this clear, O man of this generation!"

It has been said that Congress alone could govern us; that it cannot delegate this power even to the people to be governed.

"Where got your Congress this power? You say you did not grant it. It could be derived from no other source.

The exclusion of our constitution was against interference of the States—all outside powers. Congress was to govern, but assuredly in accord with American ideas. This, your government, is in violation of the most fundamental of them. Men of the younger generations, have you never heard of the utterance of James Madison upon this question in the great exposition of our work by himself, Hamilton, and Jay—our understanding of our own work? Or, have men come to know more of what we intended than did we?"

Great Sire, it is also said that we cannot be trusted with the government of ourselves; that we have been tested, tried.

"What sarcasm is this and what irony applied to Congress! The result of its exclusive government, then, has been to reduce you in intelligence and virtue to a point where you can no longer be trusted to care for yourselves. What must the other peoples think of this exemplification of republican institutions? Speak freely, men of this day, to this matter, that we may judge of those who govern as of you who are thus governed. How, in what have you shown inability for self-government?"

THE LATE DISTRICT GOVERNMENT.

Listen, most illustrious of men! Twenty years ago we asked for an enlarged municipal government, wholly elective. With care we drew out the scheme in form and asked its enactment. Its form was preserved; but when it came back to us as a law approved by your successor in the great office, we found, oh, Great Benefactor, our Governor and Secretary were to be appointed by the President. So, also, was the Boards of Public Works and of Health. The council—our senate—was to be appointed, also, by him. All the justices of the peace, all our officers and boards, created or then in existence, were appointive by the President, his Governor, and council. *Not one was elective.*

We, the people, could only elect twenty-two delegates to the lower house and a non-voting delegate to the House of

Representatives. This was the full extent of our power. This travesty of an American Government by the people entered upon its labors June 1, 1871, and was unqualifiedly repealed by its authors June 20, 1874, because *we had in that time and way, shown ourselves incompetent to govern ourselves*, and that with Congress all the time supervising the acts of the legislature. Nay, it doubled our taxation for that year, because its own agents, governors, councilors, board of public works, and others had exercised their functions in a way not pleasing to it. Congress then hastily *extemporized* a commisional government, and three gentlemen from three remote States were called to rule over us.

"My children," we may imagine the vanishing shade as saying in solemn sadness, "if you are content with this utter loss of citizens' rights, that in a measure justifies your deprivation of them. No people numerous as are you can fail, thus submissive, to lose the high and noble personal qualities developed alone by the constant exercise of citizen rights and powers. I care not what you may have received instead of these withheld; nothing can compensate for their loss. Adieu."

DISFRANCHISEMENT PERPETUAL.

One thing here I may say further. After four years of that makeshift, no-voting experiment, Congress, June 11, 1878, ordained it as a *permanent* government, with some slight amendments of the temporary scheme, some improvements, and one most *decidedly for the worse, the military commissioner*.

By this act disfranchisement was perpetuated. In the intervening years men of fortune had built residences; powerful Senators, wealthy Representatives, the great tribunes of the people of the States, had become property-owners; so also had there come to be a large, a very large, percentage of the males eligible to the elective franchise, of the colored race, parts of the same race which the South, as we have just seen, have excluded by means of their own, from the use of the franchise; and rather than that *they* should vote, impose taxation on this to-be-favored property and its owners, the franchise was abolished, or rather the only sub-

jects for its exercise were ; a more ingenious but more sinister method than that practiced at the South, and much more efficacious. The pure whites, descendants of the soldiers under the immediate command of him whose day we here commemorate, were necessarily disfranchised also. I do not say that this was the sole reason. I do say that had it not been for these colored citizens, the franchise for some purposes would have been continued. The leaders who would compel the rulers of the South to give honest effect to the colored suffrage, deny it here, where they are the exclusive legislators, and to do this the more effectively, they un-Americanized 200,000 ; citizens by blood, birth, inheritance, and the provisions of the Constitution and of their own laws. And this in violation of the first section of the Fourteenth Amendment, that prohibits States from like legislation, and forbids Congress also as well, as I will show you.

DISFRANCHISEMENT UNCONSTITUTIONAL.

I assert that this sweeping from us the right of the elective franchise, and with it all citizen rights, was a violation of the Fourteenth Amendment. I refer you to that famous clause in section ten, article first, of the Constitution: "No State shall pass any law impairing the obligation of contracts."

"XIV. All persons born or naturalized in the United States, &c. * * * * *

No State shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States; nor shall," etc.

Proclaimed July 28, 1868. 15 Stats., p. 708.

Compare, contrast these prohibitions. They are of one character, one nature ; their purpose the same—to secure the inviolability of the fundamental principles, the primal bonds of human association. The one forever secures the faith of contracts among men ; the other, more fundamental, protects man's rights from the invasion of the government itself. Each, in terms, excludes the United States, acting by its Congress from its provision.

Yet, in fact and law, if one of these does include Congress,

so must the other. Neither is framed to prevent the States from infringing a power granted by the Constitution to Congress, but simply from working wrong directly by legislation. Is anybody prepared to insist that Congress has an express grant of power to do the gravest wrong and injustice; pass a law, the direct purpose of which is to strip from men all semblance of the right of self-government, and place that in the hands of others? I need not argue this on principle. It needs but to be stated. It is a great self-evident truth that would be obscured by argument.

Happily, the great Supreme Court has directly adjudged this matter.

The act of February 25, 1862 (12 Stats., 345), authorizing the issue of Treasury notes as money, declares that "they shall also be lawful money and a legal tender in payment of all debts," &c. They were tendered in payment of a promissory note made before the law was enacted, and it was contended that it impaired the obligation of the note and hence was void—was unconstitutional.

The Court said: "It is true that this prohibition is not applied in terms to the Government of the United States. Congress has express power to enact bankrupt laws, and we do not say that a law made in the execution of any other express power, which incidentally only impairs the obligation of a contract, can be held to be unconstitutional for that reason.

"But we think it clear that those who framed and those who adopted the Constitution intended that the spirit of this prohibition should pervade the entire body of legislation, and that the justice which the Constitution was ordained to establish was not thought by them to be compatible with legislation of an opposite tendency. In other words, we *cannot doubt that a law not made in pursuance of an express power, which necessarily and in its direct operation impairs the obligation of contracts, is inconsistent with the spirit of the Constitution.*"

J. Clifford in *Hepburn vs. Griswold*, 8 Wall., 603; see p. 623.

The Court held that when the note was made it could only be discharged by gold and silver, and hence the provision making it payable in a mere paper promise to pay, was void.

In *Knox vs. Lee*, and also in *Parker vs. Davis* (12 Wall., 457), the question was again solemnly passed upon. The Court held that a payment in legal-tender notes did not impair the obligation of the contract. That was a promise to pay in money, declared to be money by Congress, at the time the note fell due. The Court conceded that if the law did directly and purposely impair the obligation to pay it would be void.

The three cases concur that Congress cannot directly impair the obligation of a contract, but if in the execution of a direct grant an incidental condition of things should arise, by which the obligation was impaired, the law would nevertheless be valid.

That is the rule to be applied to this legislation. If in a state of war it becomes necessary to set aside the civil government by the citizens and substitute the military, as an incident, the civil rights of citizens must for the time be suspended with the writ of *habeas corpus*; but that any man can be found who will contend that Congress, in a reign of peace, can, as it declares it has, permanently, not merely suspend but annihilate citizen rights in this District, now, when the question is for the first time made, is gravely doubted.

THE POSITION OF WASHINGTON EXCEPTIONAL.

The position of this city is unlike that of any other American city, in this: Every other city is under the fostering care of an immediate State government, beyond which, for its national protection, is the National Government. These are supplemented by its own municipal government, of ample powers for its corporate purposes.

CONGRESS INCOMPETENT TO GOVERN THE DISTRICT.

We have neither State, or municipal, and no other organization than the District boundaries. We are 260,000 people

delivered, stripped and bound, into the hands of Congress at its discretion, which does not treat us as an American people. It governs us, and has, and will, precisely as might be expected. Great and, in the main, wise and patriotic as it is the Congress of the United States is the worst body that can be devised for the exclusive legislation of this, in many ways, favored city. This is established by the whole course of its exercise of this powers in the premises. Take an instance long-continued, chronic, ludicrous:

The District, this city, has been under this exclusive Congressional government since 1800—ninety-one years. By act of Congress the laws in force in Maryland February 27, 1801, were continued in force in the District until changed by Congress. Whoever would know what this means, remembering that we had the entire body of the common law, let him consult the two huge quarto *unpaged* volumes of statutes of that venerable State (Kilty's Statutes), where he will find the royal charter of Charles, by the scant grace of God, etc., all the colonial statutes, beginning with those enacted at St. Mary's, May 10, 1692. Let him examine Alexander's volume of a thousand pages of English statutes, in force in Maryland till the Declaration of Independence, and so remained the law of the land and came to us. These, supplemented by the acts of Congress, scattered through its twenty-five huge tomes, the ordinances of the municipal corporations of Washington, Georgetown, and of the Levy Court, for the land outside the limits of the two cities. Then came a volume of statutes from the late legislature of the District itself. These crude, undigested statutes constitute the present laws of this law-blessed land on the northern bank of the Potomac, within the lines of the ancient cession of Maryland. To these may be added the elder ecclesiastic law. Certainly no equal portion of the earth's surface is so buried and burdened with the more or less dead and decaying foliage of legislative bodies, kings and kings' courts, parliaments, barons, and bishops, and councils. He will find at least three articles of the ancient charter of Runnymede. The whole is an unrivalled legal museum. If anything, more striking to-day

than when created, as it was, and ever since has been preserved by the "exclusive legislation of Congress."

Within eighteen months a ladies' association wished to prevent one of our street railroad companies from the labor of changing its tracks and working power, on Sundays. The Commissioners sent the question to me to find what was the law. Like the younger Mr. Weller, I found it "a pursuit of knowledge under difficulties." Our legislature had not found time to deal with it. Congress had forbidden its naval students from study and beer-working processes on Sunday. The corporation of our city had closed drinking places on that day. With a sigh I betook me to Kilty. There I found by an ancient act of Maryland—

"Nameless *there* forever more,"

though in force here, that work on the Christian Sabbath was highly penal. It is the act of 1723, 10th section, and imposes a fine of two hundred *pounds of tobacco*, this was a legal currency of that day and now, as would seem, also of this favored District. The first section of the act, equally in force here, defines and punishes blasphemy. For the first offense the convict was bored through the tongue and fined; for the second, branded on the forehead with the letter B and fined; for the third he was to suffer death. There was later a Maryland act commuting these tobacco penalties into a more modern currency. Here I called in the aid of my fellow-officer and sufferer, a gentleman rarely equalled for erudition, as you know. He reported that the commutation act had been several times suspended, and whether in force on that 27th of February, 1801, was a thing of doubt, which would be resolved in favor of the party prosecuted, and so the penalty could not now be imposed for want of law.

That reminded me that my first struggle with Kilty's statutes was an attempt to secure the maintenance of a child whose parents were not wedded, and I found that the male parent had to pay so many pounds of tobacco per month, and then I encountered the commutation-act problem.

The boring, burning, and whipping for blasphemy was

repealed in 1819, too late to help us, where the old rigors remain the law, as in the matter of the maintenance of the named class of children. Poor things, they have nothing but tobacco straight.

These are specimens of our laws surrounded with the whole kindred brood of that age.

While every other State and people have escaped the dark ages of the law, we are in the twilight of the middle. Wherever we were we are still there, and have been these ninety years.

Some ineffective efforts have from time to time been made to correct this state of our law. Time itself has drifted from us the tongue-boring, forehead-branding, tobacco ages—has sloughed them off into the great gulf of the obsolete.

FIRST CODIFICATION.

March 3, 1855, Congress made provision for codifying the laws of the District. The President was to appoint two codifiers and the board of aldermen and common councils of Washington and Georgetown and the Levy Court were to appoint a board of revisers, aided by the Attorney General. When the work was complete the President was to set a day for its acceptance or rejection by the free white males of full age, citizens of the United States and one year's residence (10 Stats., 642). The work was an admirable piece of legislation of that day, known as the "Auld Code." But think of submitting such a piece of legislation and legal work to a popular vote! The result would depend upon the influence and success of those having the affirmative. It is like the submission of a modern protective or free trade tariff, where, state the question as you may, free-trade or protection is the affirmative, and that side, other things not interfering, is and *will be* beaten.

In those pastoral days, as I have been told, the grounds and headwaters and along the banks of crystal Goose Creek * were the feeding haunts of numerous herds of domestic geese.

* Now the Tiber.

The Code abridged their rights.

It was obnoxious to the hackmen.

It was obnoxious to the gamblers.

The three parties fused, as we say, and, as might have been expected, the men of methods, the hack-drivers, and the geese were too many for the men of the Code.

Instead of taking up the excellent and expensive work and passing it as an act, Congress left the geese and their allies to rule the field as geese will.

The late District government was created by act of Congress February 21, 1871 (16 Stats., 419).

The legislature under it, on the 18th of December following, authorized the Governor (Cook) and Chief Justice of the Supreme Court of the District of Columbia (Cartter) to appoint a commission of five, to codify the whole body of the law, which, when approved by the District Supreme Court, was to be reported to the legislature to be acted upon and passed into law.

That commission, an able body, did its work thoroughly and well. When it was passed upon by our judges they called to their aid the abler of our bar. Yet ere it could be acted upon by the legislature, that, with every vestige of citizenship, as stated, were swept from the world of living men.

In mockery, the District was declared still to be a municipal body corporate, to the very idea of which citizens, as corporators, are the controlling necessity. Without them a municipal body corporate is legally an unthinkable thing, to borrow from Herbert Spencer.

We bore this carefully and laboriously wrought out code, respectfully to the feet of the Congress, and implored the action of its houses—Congress, that abyss that swallows all things lost to this District!

After years, in 1879 (March 3d, 25 Stats., 405), Congress awoke to this matter, and directed the attorney for the District to codify its laws, placing in his hands \$5,000. He secured an able expert, appointed a clerk, gathered all the modern codes, and in a reasonable time furnished the draft

of a complete body of law. He thus commends it, for it has little of the work of his brain or hand. The House, with reasonable promptitude, passed the political part—a fourth of it—providing the Government machinery and prescribing the duties of the citizen. This reached the Senate, and, in the terse language of the ancient Hebrew historian, the code “slept with its fathers.”

Ten years later (March, 1889, 25 Stats., 872) and Congress again recurred to the District. It required the Supreme Court of the District of Columbia to appoint two gentlemen learned in the law to *compile*, arrange, and classify the *statutes* and *parts* of *statutes* in force—all such as would properly fall within the scope of a civil and criminal code. The court made a good selection. The learned compilers are now at their work. They are limited to the work of *computation*; searching the graves and caves of the past, from the day of John Lackland, if, mayhap, they can eke out a motley which Congress will never fill out or touch with life. And thus, while all our kindred States and cities, in the cherishing hands of their legislatures, are pushed forward in the rapid march of progress, we remain bound to a dead past, and forever must. I know our city is beautiful to the eye; is becoming a wonder in the eyes of men, but its people are beleagured in it by the ghosts of the past. The mold and decay of the obsolete are in our life. The atmosphere we breathe is full of the choking dust of fossilized systems of laws and institutions. We want to feel the vigor and inspiration that can spring alone from the conscious power of being masters of ourselves, and the daily use and free exercise of all our rights.

JUSTICE TO CONGRESS.

Of all the days of our calendar this requires of us the fullest measure of justice to others, certainly to those whom our countrymen, without our consent, have set to rule over us. It is not a pleasant labor to them and it confers neither fame nor profit.

The philosophy of the history of a people must be sought

in its laws. The hidden, as the obvious, springs that have often prompted the movements of the American people and have always directed and guarded them, are to be sought in the twenty-six heavy volumes of the laws of Congress, of a century of legislation. The first act of its first year was approved June 1, 1789. Whoever examines the leading chapters, mindful of the Republic's attendant history, will be struck with their practical adaptability to the needs of a progressive people—never obstructed by a blind adherence to the past, seldom delayed for want of courage to go forward. The work of these fifty-one Congresses was the work of the ages; their structure a living edifice—one of the later world's wonders; its builders, the marked men of their generations, toiling ceaselessly, some times not seeing clearly, often laboring in the gloom of twilight, sometimes making grave mistakes, but never going far wrong or remaining long in error, and often baffled, as were the forming hands of the creation, by the sheer obduracy of matter.

The American heart beats strongest in the House of Representatives, and there reside the inspiration and impelling power, as that is the seat of the Government of the Republic. We owe a measureless debt to the great Senate. The hearts and hopes of the American people dwell with their Representatives. The man who rules the House well or ill, stands next to the President.

Let us state the case in brief and be done. As before stated, by the American scheme, a city has its own municipal self government. Outside and surrounding it is its State government. Beyond all, enclosing all the States, is the National Government. We have no semblance of the first and second, in accord with this scheme.

OUR LAW-MAKERS CANNOT BE CITIZENS OF THE DISTRICT—
THEIR WORK.

We are the only people on earth forbidden to be ruled by its own citizens, whose organic law compels its rulers to have

their domiciles in other States. Rulers are the givers of the law. Ours are compelled to be foreigners.

They are not chosen and appointed to govern us, but to do altogether other and vastly greater work. Because they have utterly failed to provide us with a government of our own, as the makers of the whole system intended, they are obliged, in a way, to govern us themselves.

Each Representative has a district of his own, of equal or a larger area and with a population as great as ours. That is his home, the seat of his hopes, his ambitions. Its people are his constituents. He is their one man. There are his watchful, jealous rivals; his more watchful and alert political enemies. His district, people, their interests, and his enemies, demand every moment of his time, every exertion of his mind, every thought and wish of his heart. I wish you could suffer the burdens of one busy day of a Representative. He does not know us; has no time for us, no thought or care for us. Why should he have? How can he have? And the Senators, each has a great State.

These men have to legislate for the Republic. It requires all their time, all their united ability, all their exclusive attention. They should have no other work. The public national business is rapidly increasing, and there is no possible way of adding to the working power of Congress. The work of the Fiftieth Congress covers 1,335 solid pages. The Fifty-first will rival that.

In these conditions lies our difficulty. These men are enlightened, are just, and kindly disposed. Many give up their ambitions for us—many do, generously, nobly. We are a constant annoyance, and very likely for that reason, are not so high in their individual regards.

We, like any other American people, want a constant exercise of the legislative power. We cannot invoke it. We have not had half our assigned days this present session; shall not get another day. Greater, more pressing demands are crushing, devouring these over-taxed men. What are we that 60,000,000 should be pushed by for 260,000! It cannot

be, never has been, and never will be, and there is no help for us but for Congress to find or take time enough to set us upon such feet of our own, as the organic law of the Republic permits to us.

Ten years, and we shall number 500,000. Thirty—and we will double that. We want not a mere delegate in the House, but a Representative with the power and consequence of a vote; shall want two or three. If we are true to ourselves and our aspirations and grow to the destiny we may grasp, that thirty years will see a change of the organic law of the Republic for us, if necessary, and we shall have Senators and several Representatives. We will become the model people of the Republic.

Shall we need an amendment of the Constitution to become a State in the American sense? I must linger a moment for another new point. The Constitution is the law of the States—is their work. We may suppose them all present at its formation. The new States, in accepting it, thus assent to, approve its formation. Maryland, our State, was present, in fact, and aided in its structure. The Constitution was her changeless indestructible law—ours, ineradicably stamped upon, burnt into the soil under our feet, never to be effaced or wrenched away—all the Constitution, each and every part. Because we have not, could not, make use of, enjoy its organs and exercise their functions, they have not ceased; they have merely slept in enchantment till the hour when the prince comes to awaken with a kiss. I only awaken the question to-day.

I fear I have wearied you, notwithstanding your kind attention. (Cries of "Go on!" "Go on!") Until I go off? Thanks. I have already cited the *Federalist*. I read from the forty-third number:—

"The extent of this Federal District is sufficiently circumscribed to satisfy every jealousy of an opposite nature; and as it is to be appropriated to this use with the consent of the State ceding it; as the State will no doubt provide in the compact for the rights and the consent of the citizens in-

habiting it; as the inhabitants will find sufficient inducements of interest to become willing parties to the cession; as they will have had their voice in the election of the government which is to exercise authority over them; *as a municipal legislature for local purposes, derived from their own suffrages, will, of course, be allowed them*, and as the authority of the legislature of the State and of the inhabitants of the ceded part of it to concur in the cession will be derived from the whole people of the State, in their adoption of the Constitution, every imaginable objection seems to be obviated."—*The Federalist, No. 43, Jan. 25, 1783; John C. Hamilton's Edition, 1869, p. 338.*

Mark the words "*a municipal legislature*"—not a board of aldermen and common council—a legislature, not appointed by the President but elective by us.

"No more voting for us, with these swarms of vicious—" spare that to me the most odious noun of English utterance. Oh, I know we shrink and shirk the common burden—our part of it. We will give up our rights, our powers, and so escape our duties, rather than face this thing like men. Think of our kindred at the South, who cannot escape it if they would. Let us help them in the only way possible. Surely we should share in this common burden. We cannot compel the Southerns, we can aid in their—our—the Republic's relief. Our fathers, North and South, brought this thing on us. Shall we curse them and die, become self-emasculated? Make political eunuchs of our sons and prevent their ever becoming of American full age? Let us be done, let everybqdy be done—most of all the governing majority of Congress—with this everlasting clamor against the groaning and oppressed South, so long as they who rule deny the suffrage to the colored citizen here. The Republican party must rise equal to this great issue or perish. The earth is full of sinister signs of fate. If it cannot deal with this thing let it get out of the way. The Alliance under wiser leading, or a new crystallization of political matter, will deal with it and with many other things.

You may not accept my convictions on this question ; but sooner than deny them utterance here this day, like Prince Ferdinand, I would permit carrion flies to breed their *larvæ* in my mouth. These men should have the suffrage—all men and all women too. Every intelligent human being, the subject of human government, should each, for him or herself, have voice in it. Educate these smitten children of Africa and of a more benighted prejudice. Make intelligence a condition of the right to vote—set that as a prize to this emulous race—and, my word for it, in the race to the ballot-box they will outstrip the more stupid whites compelled to start with them. If they could elect a Republican representative to sit in the House of Representatives, how long would they have to wait for the chance ? For them, for their children, for our own as well, we now want a dozen more school-houses. Build them or build more prisons and lazarus-houses. Let us have, at last, cease to avenge our own neglect upon the downward-moving multitude, “whose feet take hold on hell,” and whom we subject to prison, to convict discipline that damns the soul while yet the body lives.

A National Park of romantic Rock Creek Valley was a cherished notion of mine. I once secured a conveyance of a coveted part of the area selected, a donation, to the commissioners. Yet I could not persuade them to accept and report it to Congress. Let Congress take our money for this purpose if it will, while unused millions of stupid silver that no man will use, lies walled up. It may turn those beautiful winding wooded banks into caves and dens for savage brutes and reptiles, pollute the creek’s tide with the slime and filth of cold-blooded monsters, for aught I care ; but I raise my voice to protest that these downward tides of young and old, of all colors and bloods, that haunt our beautiful city, flowing ceaselessly an ever-swelling tide to our jails and prisons and criminal courts, a propelling stream driving the awful “mills of the gods,” shall be diverted into other channels and led to flow to other fates.

Pardon this length.

I must turn once again to my personal plaint.

I have here reared from infancy to manhood's years a brainy, ingenuous boy. There also came to my side another, born here, and still youthful. In this broad land there are none, not one of his age, to whom he is second. These youths have not, cannot here reach the period of full American maturity—are to remain dwarfed. Do not tell me of the thousands of the great cities, born and grown in luxury, reared to scorn as low and vulgar the highest, noblest, and most important right and duty of the American born. Of such are *not* the kingdom of Heaven. These, my young men, were not born and reared without souls and aspirations; and yet they have never voted and they never can, unless they go away, desert the homes of their fathers and sisters and the graves of their mothers. There are hundreds of other ingenuous youths their peers in fine qualities. For all these uncaring youths I speak. Oh, they may array themselves in fine clothes, carry canes, smoke cigarettes, attend parties and receptions, their clubs—poor boys—may-hap get a place in a department, and for the rest—

There is no vigorous bracing air here, no stimulus, no manly competitions, that broaden and strengthen. There never will be, unless we awaken one and all. The District, bound hand and foot, wants these youths. They want her. They owe her the most sacred duty that men may pay the land of which they were born. The constitution of Washington is sleeping under their feet, awaiting their call. Their countrymen are not unjust nor ungenerous.

Oh, I know there will be difficulties, there will be criticisms and quotations of restraining clauses. I know also that if it shall be found that there are seeming restrictions upon the broader, the deeper, the inalienable—I know that the throbings of these last, as in the days and under the lead of Washington, will prevail; and if we are true the city that bears his name shall be recrowned with it, and become worthy to wear and bear it.

W 92



